


## How to Ask for the Gift in a Will Without Fear or Anxiety

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### Russell N. James III, J.D., Ph.D., CFP® Professor, Texas Tech University


- Directs the on-campus and online graduate program in Charitable Financial Planning (planned giving)
- Prior, worked as an estate planning attorney, as the Director of Planned Giving for Central Christian College, and later as college president
- Member of the National Association of Charitable Gift Planners "Hall of Fame"
- Has published research in over 80 peer-reviewed scientific journal and law review articles and has authored seven books on philanthropy
- Has been quoted on charitable and financial issues in a variety of news sources including *The Economist*, *The New York Times*, *The Wall Street Journal*, *CNN*, *MSNBC*, *CNBC*, *ABC News*, *U.S. News & World Report*, *USA Today*, *the Associated Press*, *Bloomberg News*, *The Washington Post*, and the *Chronicle of Philanthropy* and his financial neuroimaging research was profiled in *The Wall Street Journal's Smart Money Magazine*



**Last Will  
and  
Testament**

## How to Ask for the Gift in a Will Without Fear or Anxiety

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## Squeamish?

“For many of us, asking for a bequest is akin to asking, ‘*So when are you going to die and what are you going to leave us when you do?*’”

-Anne Melvin  
Harvard University

Melvin, A. (October, 2011). Mission possible: Get in the door and get what you came for. The National Conference on Philanthropic Planning, San Antonio, TX. p. 8.

*Theory*



**Death is a problem.**

*Theory*




**Death is a problem.**

**People use two solutions.**

1. Ignore the problem.  
**[Avoidance]**
2. Live on after death.  
**[Symbolic immortality]**

Kosloff, S., Anderson, G., Nottbohm, A., & Hoshiko, B. (2019). Proximal and Distal Terror Management Defenses: A Systematic Review and Analysis. In *Handbook of Terror Management Theory* (pp. 31-63). Academic Press., Pyszczynski, T., Greenberg, J., & Solomon, S. (1999). A dual-process model of defense against conscious and unconscious death-related thoughts: an extension of terror management theory. *Psychological Review*, 106(4), 835-845.





A woman with a large, curly afro hairstyle, wearing a blue and orange striped sweater and red hoop earrings, looks off to the side with a worried expression. Her right hand is raised in a gesture of dismissal or refusal.

## Avoidance

- “This doesn’t apply to me”
- “I’ll deal with that later”



A pair of hands, one with white nail polish, gently cradles a small green seedling with several leaves growing out of a mound of dark soil.

## Symbolic immortality

Some part of  
one’s identity –  
one’s people,  
values, or story –  
will continue on  
after death

## Symbolic immortality in experiments

Death reminders make people more

- Protective of their social group
- Resistant to outside groups
- Responsive to group “norms”
- Interested in social prestige, fame, a positive life story, personal heroism, or putting their name on something

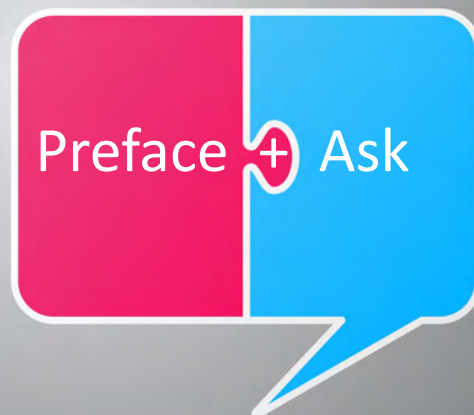


For a review, see James III, R. N. (2016). An economic model of mortality salience in personal financial decision making: Applications to annuities, life insurance, charitable gifts, estate planning, conspicuous consumption, and healthcare. *Journal of Financial Therapy*, 7(2), 62-83.

## Phrasing = preface + ask

The legacy ask usually consists of two parts:

- A preface (motivating the ask or the gift) +
- An ask (making the request)





Phrasing =  
preface + ASK

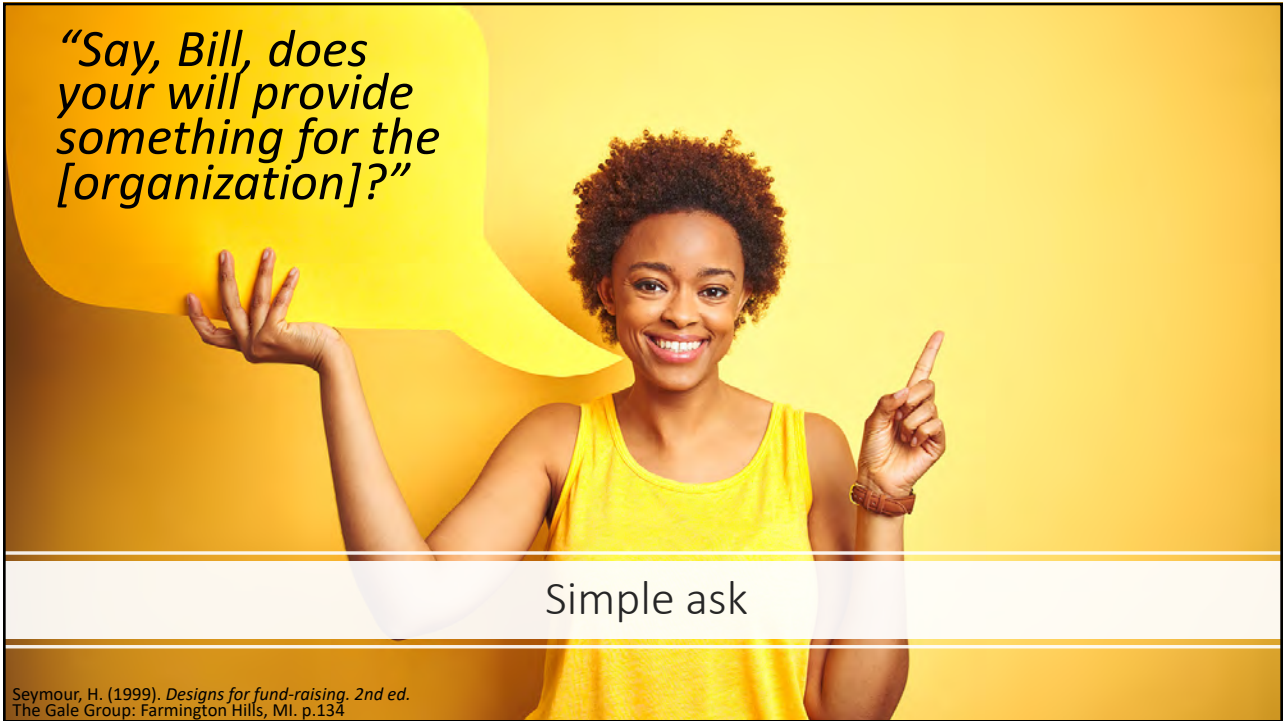
- **Simple ask: Will you?**
- Soft ask: Would you consider?
- Softer ask: Thoughts?
- Softest ask: Silence after preface

A woman in a red top holding a large yellow speech bubble with text. The speech bubble contains the text: "Would you be willing to include our organization in your estate plans?". The woman is smiling and pointing to the speech bubble with her right hand. The background is a solid yellow color.

“Would you be willing to include our organization in your estate plans?”

Simple ask

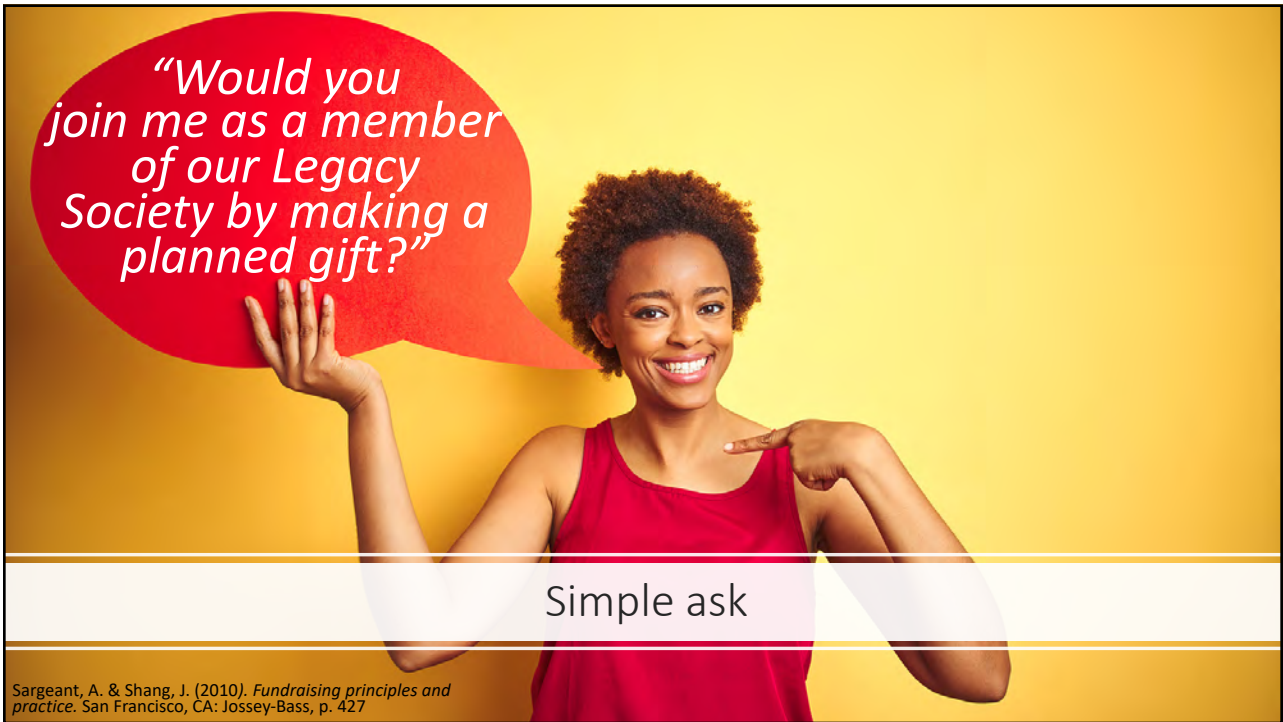
Zou, H. & Schmitt, P. (2017). *The real reason donors aren't making planned gifts, and what to do about it*. National Conference on Philanthropic Planning, Baltimore, MD. p. 37.



“Say, Bill, does your will provide something for the [organization]?”

Simple ask

Seymour, H. (1999). *Designs for fund-raising*. 2nd ed. The Gale Group: Farmington Hills, MI. p.134

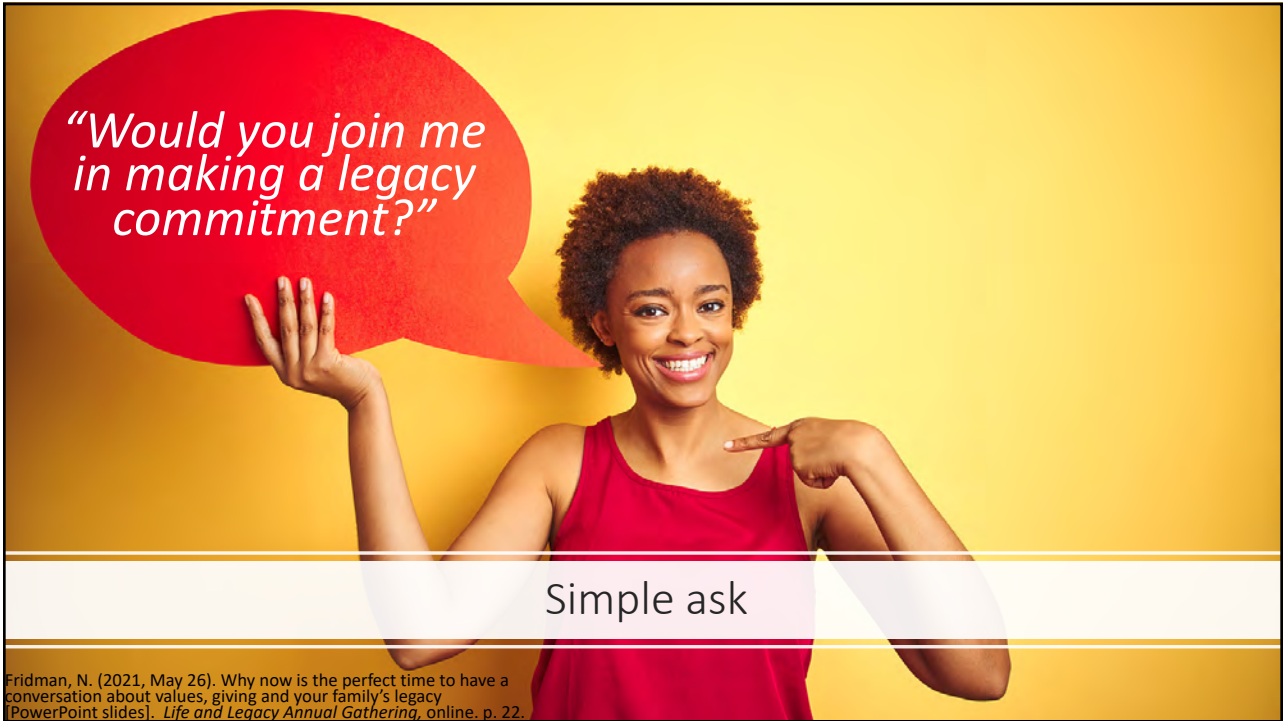


“Would you join me as a member of our Legacy Society by making a planned gift?”

Simple ask

Sargeant, A. & Shang, J. (2010). *Fundraising principles and practice*. San Francisco, CA: Jossey-Bass, p. 427





*“Would you join me in making a legacy commitment?”*

Simple ask

Fridman, N. (2021, May 26). Why now is the perfect time to have a conversation about values, giving and your family's legacy [PowerPoint slides]. *Life and Legacy Annual Gathering*, online. p. 22.

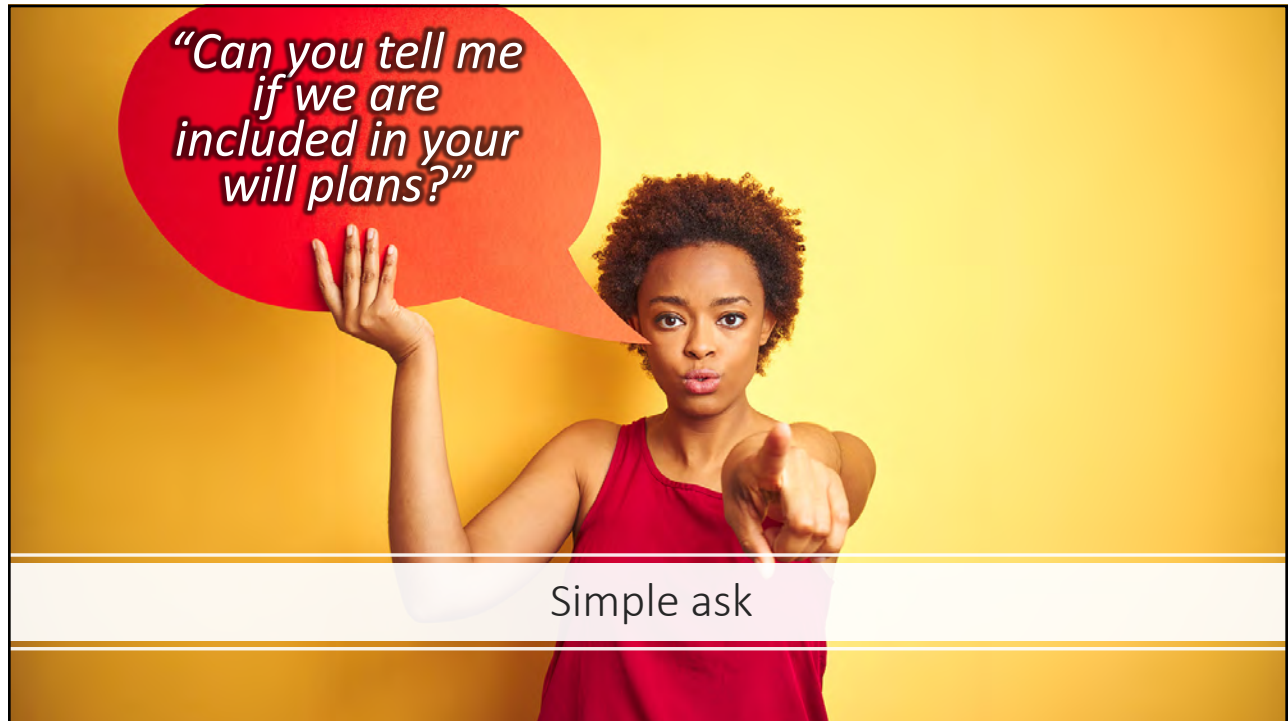


*“Have you remembered XYZ in your will?”*

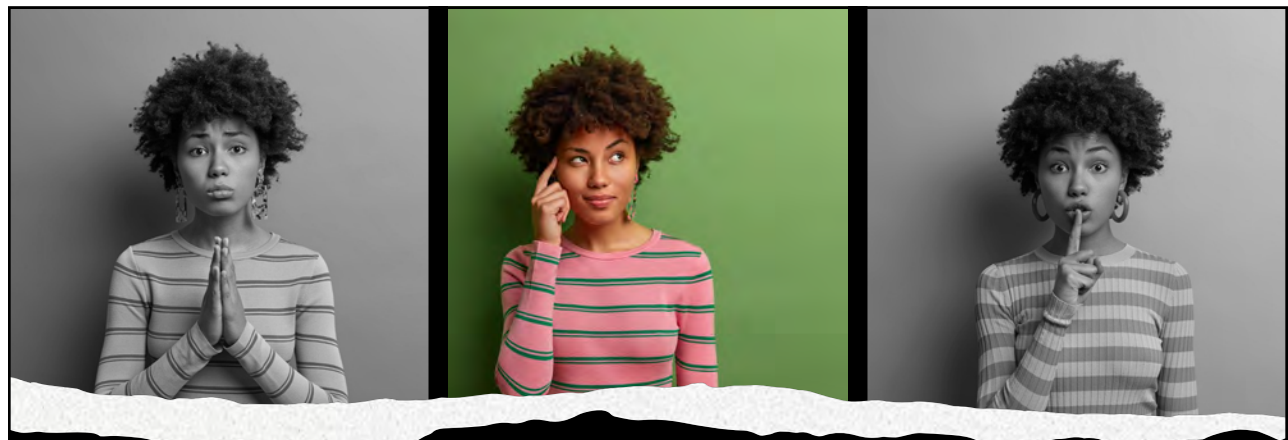
Simple ask

Ciconte, B. L. & Jacob, J. G. (2009). *Fundraising basics: a complete guide*. Burlington, MA: Jones & Bartlett Learning. P. 318.



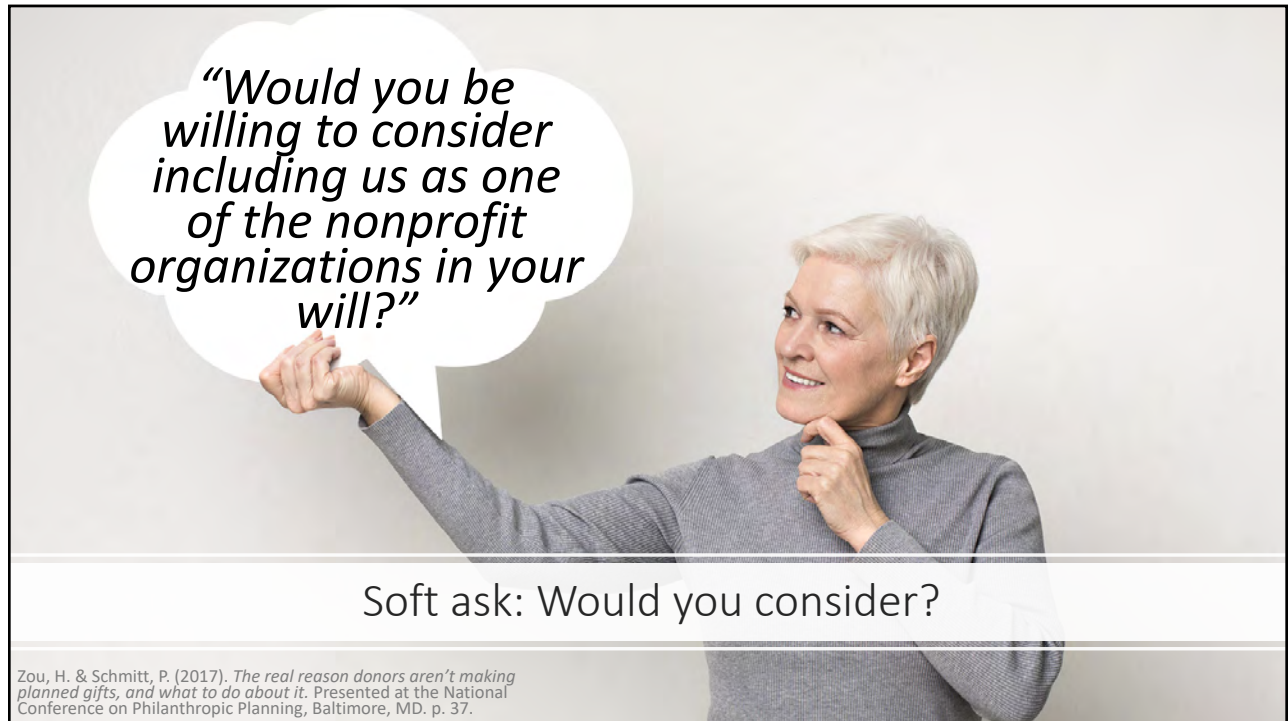


Simple ask



Phrasing =  
preface + ASK

- Simple ask: Will you?
- **Soft ask: Would you consider?**
- Softer ask: Thoughts?
- Softest ask: Silence after preface



*“Would you be willing to consider including us as one of the nonprofit organizations in your will?”*

Soft ask: Would you consider?

Zou, H. & Schmitt, P. (2017). *The real reason donors aren't making planned gifts, and what to do about it*. Presented at the National Conference on Philanthropic Planning, Baltimore, MD. p. 37.



*“Would you consider... including us in your estate plans?”*

Soft ask: Would you consider?

Shuba, J. J. (October, 2020). *Navigating planned gift conversations with your donors*. Presented at the Charitable Gift Planning Conference, online, p. 2.



*“Will you consider putting this organization in your will?”*

Soft ask: Would you consider?

Samers, W. D. (October, 2011). *Creative bequests and the unalterable will: Soliciting and drafting bequests*. National Conference on Philanthropic Planning, San Antonio, Texas, P. 10.



*“Would you consider leaving a (specific amount or percentage) of your estate to our organization?”*

Soft ask: Would you consider?

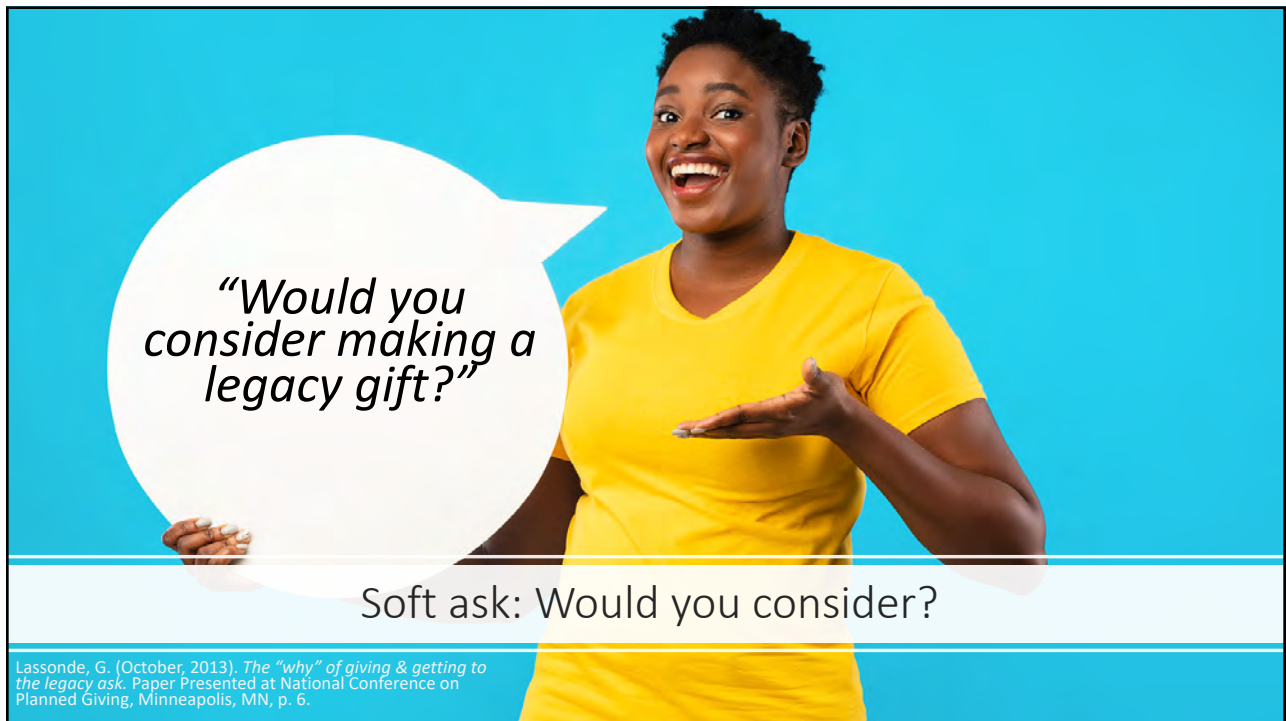
Henson, R. (2016). *Planned giving: How to ask for transformational gifts*. Bloomington, IN: iUniverse. p. 54.



*“Would you consider a pledge commitment that isn’t paid until you pass or when you no longer need it?”*

Soft ask: Would you consider?

Buderus, A. A. & Smith, G. P. (October, 2013). *Blended gift, eh? Making the most of this emerging workhorse for major and planned gift officers.* National Conference on Planned Giving, Minneapolis, MN, p. 9.



*“Would you consider making a legacy gift?”*

Soft ask: Would you consider?

Lassonde, G. (October, 2013). *The “why” of giving & getting to the legacy ask.* Paper Presented at National Conference on Planned Giving, Minneapolis, MN, p. 6.



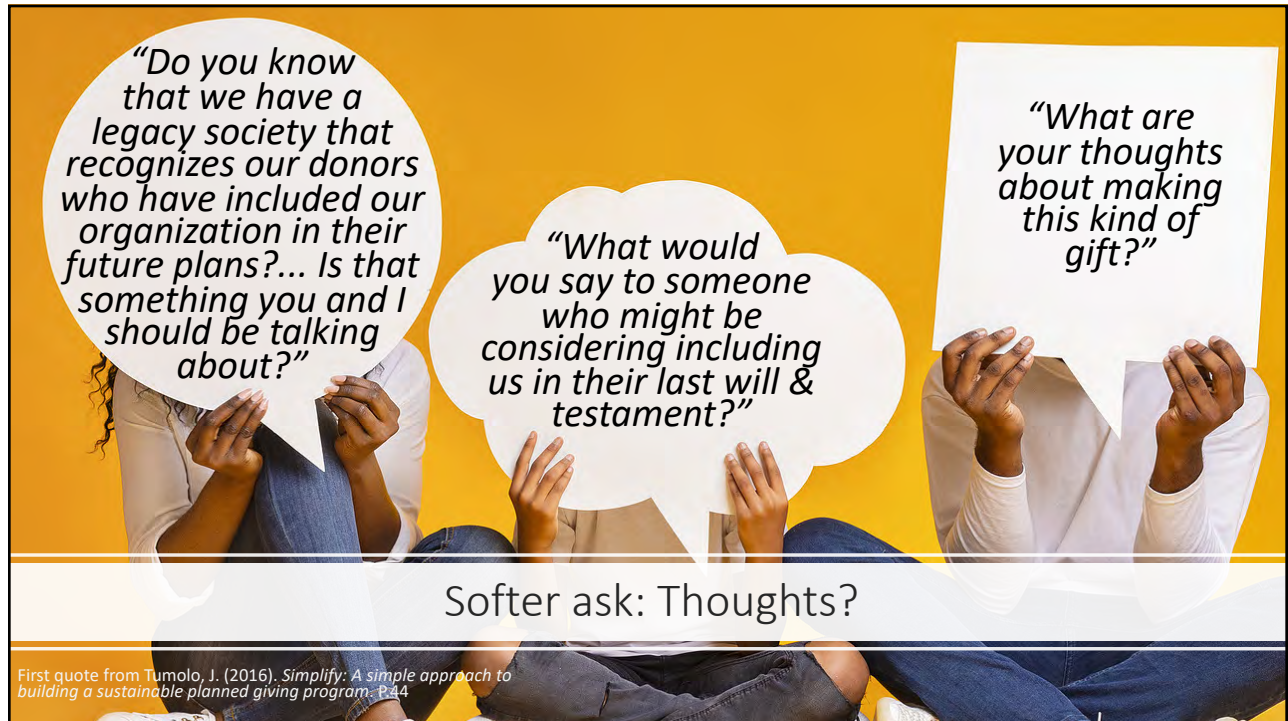
*“Of the types of planned gifts that we’ve talked about, which one would you consider?”*

Soft ask: Would you consider?

Sargeant, A. & Shang, J. (2010). *Fundraising principles and practice*. San Francisco, CA: Jossey-Bass, p. 427

Phrasing =  
preface + ASK

- Simple ask: Will you?
- Soft ask: Would you consider?
- **Softer ask: Thoughts?**
- Softest ask: Silence after preface



Phrasing = preface + **ASK**

- Simple ask: Will you?
- Soft ask: Would you consider?
- Softer ask: Thoughts?
- **Softest ask: Silence after preface**



People were more likely to agree to **“make a gift to charity in my last will & testament.”**

than **“leave a legacy gift to charity in my last will & testament”** or **“make a bequest gift to charity in my last will & testament”**

Ask research: “Gift in a will”

James III, R. N. (2016). Phrasing the charitable bequest inquiry. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 27(2), 998-1011.



People were twice as likely to want to read about **“gifts in wills”**

rather than **“estate giving,”** **“legacy giving,”** or **“bequest gifts”**

Ask research: “Gift in a will”

James III, R. N. (2018). Creating understanding and interest in charitable financial and estate planning: An experimental test of introductory phrases. *Journal of Personal Finance*, 17(2), 9-21. Table 4.





People were twice as likely to want to read about “will planning”

rather than “estate planning,” or “legacy planning”

Ask research: “Gift in a will”

James III, R. N. (2018). Creating understanding and interest in charitable financial and estate planning: An experimental test of introductory phrases. *Journal of Personal Finance*, 17(2), 9-21. Table 4.



Not for “people like me”

- Some people perceive words like “estate,” “legacy,” or even “bequest” as a bit too grand
- But a “gift in a will” applies to everyone

Sargeant, A. (May 2, 2014). Personal communication from Professor Adrian Sargeant, Plymouth University regarding unpublished focus group results.



## Too narrow?



People were more likely to expect information about

- living trusts
- life insurance
- IRA transfer-on-death
- bank account transfer-on-death

from “gifts in wills” or “will planning” than from “estate giving” or “estate planning”

James III, R. N. (2018). Creating understanding and interest in charitable financial and estate planning: An experimental test of introductory phrases. *Journal of Personal Finance*, 17(2), 9-21. Table 5.

## Long list?



Share interested in reading more on a charity website was,

- 26% for “Gifts in wills”
- 25% for “Gifts in wills, trusts, or retirement accounts”
- 24% for “Gifts in wills, trusts, retirement accounts, or life insurance”

James III, R. N. (2018). Creating understanding and interest in charitable financial and estate planning: An experimental test of introductory phrases. *Journal of Personal Finance*, 17(2), 9-21. Table 5.

## Avoid death phrases

“Make a gift to charity in my last will & testament that will take effect at my death.”

Annuity paying “each year you live until you die.”

James III, R. N. (2016). Phrasing the charitable bequest inquiry. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 27(2), 998-1011; Salisbury, L. C., & Nenkov, G. Y. (2016). Solving the annuity puzzle: The role of mortality salience in retirement savings decumulation decisions. *Journal of Consumer Psychology*, 26(3), 417-425.



The will-making headlines that performed 2X better



“Even if you plan to live to 150, you still need to make a plan.”

“Even if you plan to live to 150, you still need a will. Get started today.”

Leading with LONG life, not death!

Schmitt, Patrick. (March 7, 2019). 14 Magic Words for Planned Giving. <https://medium.com/freewill-insights/14-magic-words-for-planned-giving-a641e1b77ed6>  
 Schmitt, Patrick. (February 23, 2021). 3 strategies for success with older donors in 2021. [Webinar slide deck].

## The preface



Even a “naked” ask works.

2,000 people completing will planning,


- Half weren’t asked about charity: 4.9% made a gift
- Half were asked “Would you like to leave any money to charity in your will?”: 10.8% made a gift

Cabinet Office (2013). *Applying Behavioral Insights to Charitable Giving*. London: Cabinet Office Behavioural Insights Team P. 22-23.



A preface makes the ask more comfortable or compelling

- The **external issue** preface [*from avoidance*]
- The **identity** preface [*from symbolic immortality*]
- The **victory** preface [*from symbolic immortality*]



## External issue preface


People avoid estate planning because it's a death reminder. So, create a non-death reason to have the conversation or sign the gift now.

- Campaign deadline
- Matching gift deadline
- We've got a problem
- My job is to help you

## Legacy campaign deadline

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"We're in a campaign to get 100 new legacy society members before the end of the year, and we're making great progress... [ask]"





## Combined campaign deadline

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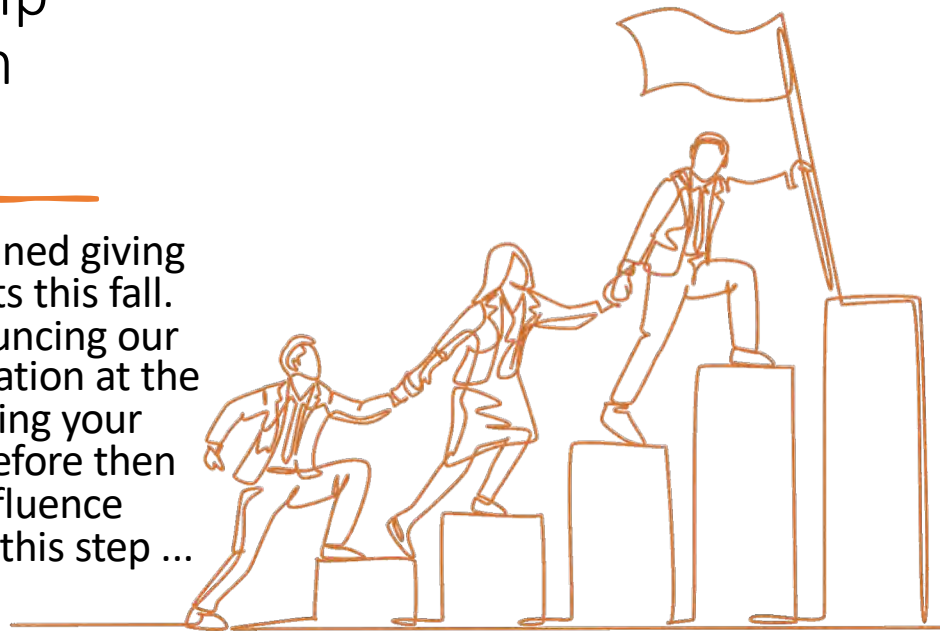
“So far, we’re at 72% of our campaign goal for current gifts and 68% of our goal for planned estate gifts. You’ve already helped us in the first goal...[ask]”



## Leadership campaign deadline

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“The new planned giving campaign starts this fall. We’ll be announcing our board participation at the banquet. Signing your planned gift before then could really influence others to take this step ... [ask]”



## Matching gift deadline

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“If signed by May 1, planned gifts of up to \$250,000 will be matched with a 10% cash donation in your name from The XYZ Foundation.”

(For several charities this has doubled or tripled planned gifts.)



Phrasing modified from Bequest Matching Form at [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_legacy\\_challenge\\_form.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_legacy_challenge_form.pdf). See, Kendrick, J. & Tsai, C. (2017). *Implementing a legacy challenge match program at a major, multifaceted institution*. Presented at the National Conference on Philanthropic Planning, Baltimore, MD

## We've got a problem

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“We've run into a bit of an issue. The number of new people joining our legacy society has fallen off in the last year. Do you mind if I ask you a few questions about your thoughts on this topic?”



## We've got a problem

---

"We need your advice on some new legacy fundraising ads. Would you mind sharing your thoughts on a few examples?"



## We've got a problem

---

"We held a planned giving seminar, but people didn't show up. We're trying to figure out why. So, we're asking donors like you to share your thoughts in a focus group..."

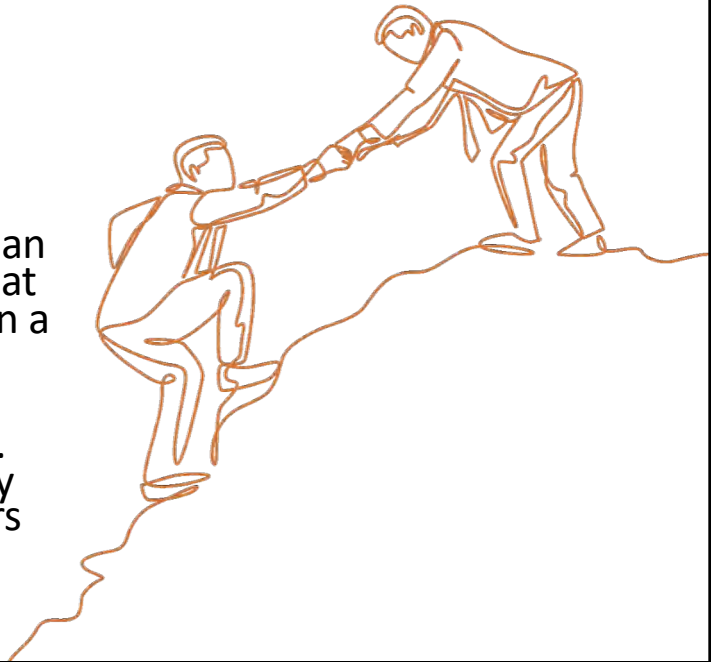


See Bigelow, Bruce E. & Kolmerten, Carol A. (April, 2008) Focusing on planned giving: Using focus groups to find new donors, *Journal of Gift Planning*, 12(2), 18-21.

## Helping you is my job

“My job is to help donors plan their gifts... This might look at multi-year strategies or even a gift in a will...”

“Part of my job is to show donors how to give smarter. For example, any IRA money inherited by family members triggers income tax. But naming [our charity] avoids those taxes...”



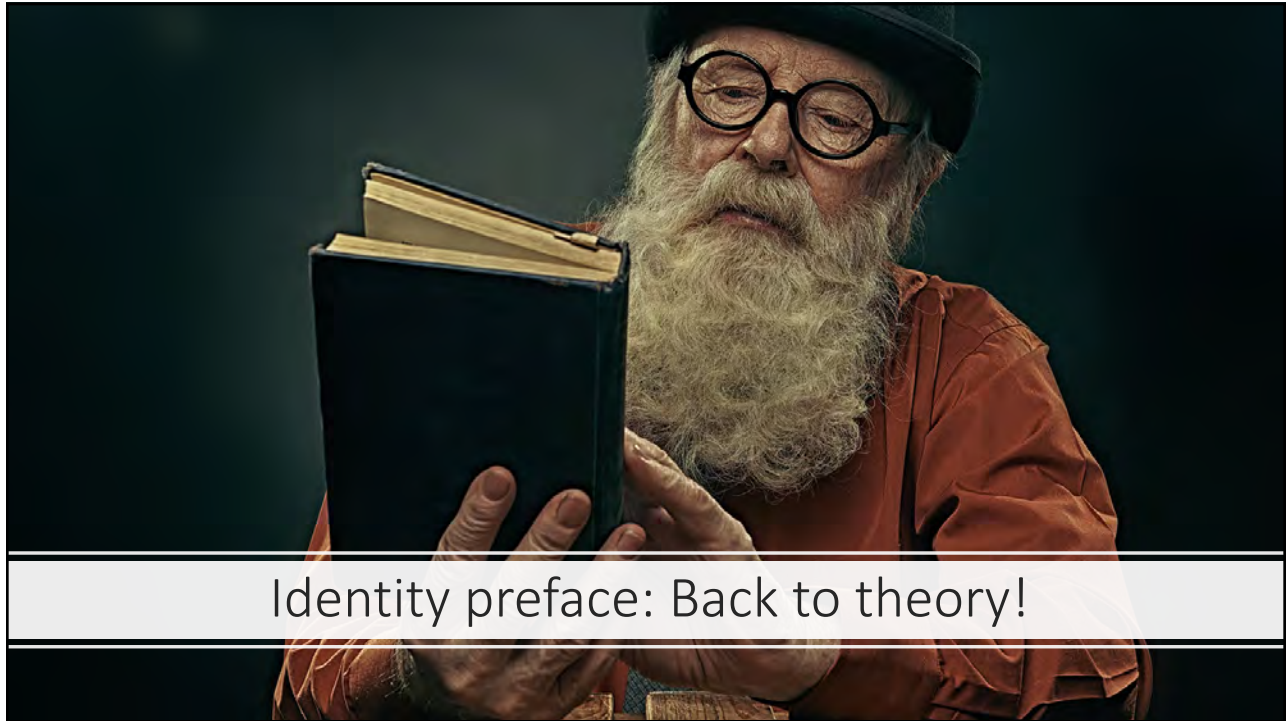
## External issue preface

The non-death-related reasons make starting the conversation easier

- Campaign deadline
- Matching gift deadline
- We've got a problem
- My job is to help you





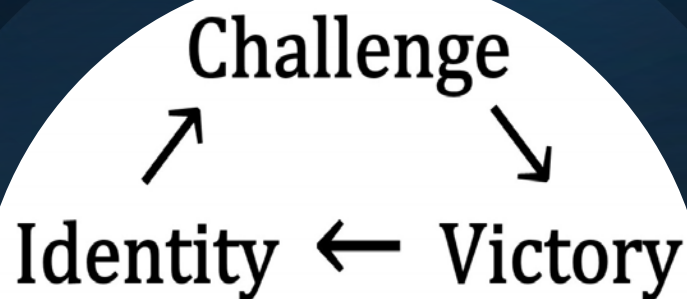


Identity preface: Back to theory!

Steps in a compelling fundraising ask:

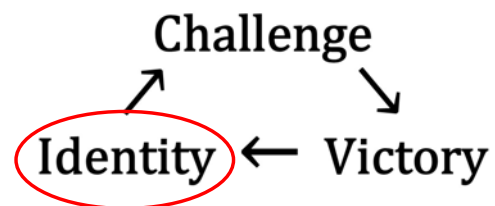
**Original Identity → Challenge → Victory →**  
**Enhanced Identity**  
public (reputation) or  
private (personal meaning)

*or simply*



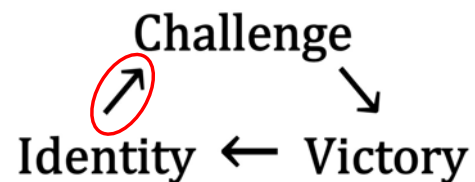
Death reminders trigger pursuit of symbolic immortality (resistance to disappearing)

- This increases attraction to ways in which one's identity can live on
- A gift in a will helps when it continues the donor's identity (the donor's people, values, or history)



Identity preface  
“People like you make gifts like this”

- “You are the kind of person who makes gifts like this”
- “Other people who are similar to you make gifts like this”  
because of your (shared) identity: history, behaviors, values, beliefs, or group membership

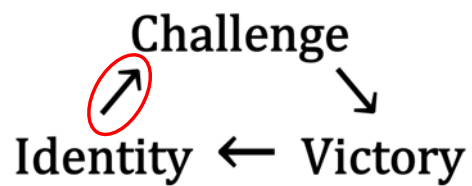


## Identity preface examples

“Many donors who give as regularly as you have put our organization in their will; what are your thoughts about doing that?”

-Anne Melvin, Harvard University

Melvin, A. T. (October, 2014). *The Art (and Science) of Persuasion*. Presented at The National Conference for Philanthropic Planning, Anaheim, CA. p. 9

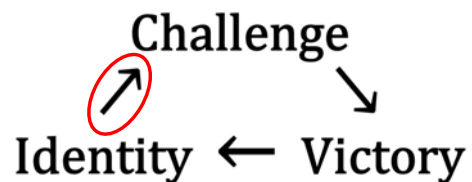


## Identity preface examples

“Mrs. Jones, you are such a wonderful and loyal donor. Many of our most loyal donors are including Kent State in their estate plans in order to make an impact beyond their lifetime. Have you ever considered remembering Kent State in your will?”

-Mindy Aleman, Kent State University

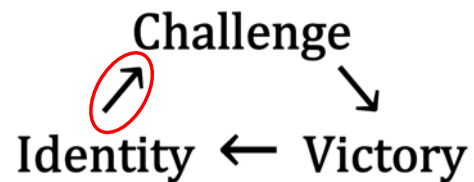
Aleman, M. (October, 2011). *Harness the power of your phone center to increase planned gifts*. Presented at The National Conference on Philanthropic Planning, San Antonio, TX. p. 4.



## Identity preface examples

“I can’t say thank you enough for all your support for so many years. Would you consider extending your amazing legacy by including us in your estate plans?”

-Jason James Shuba, University of Illinois Foundation

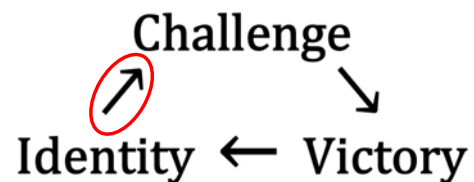


Shuba, J. J. (October 2020). *Navigating planned gift conversations with your donors*. Presented at National Charitable Gift Planners Conference. p. 2.

## Identity preface examples

“Thank you so much for all your support for so many years – we truly appreciate it. Donors like you who have supported us for so long often include a gift in their estate plans. I’d love to say thank you for that as well if you’ve done so. Have you included us? Have you considered it?”

-Jason James Shuba, University of Illinois Foundation



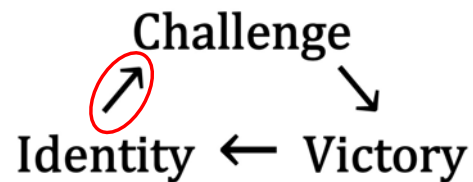
Shuba, J. J. (October 2020). *Navigating planned gift conversations with your donors*. Presented at National Charitable Gift Planners Conference. p. 2.



## Identity preface examples

“John, you’ve been a terrific supporter of Friends of Shakespeare. I want to thank you for all you have done for us over the years. I’m curious: what are your thoughts about becoming a member of the Fortinbras Society? ‘What is the Fortinbras Society?’ [This allows you to describe other committed members of the society, mention some that he knows...]”

-Anne Melvin, Harvard University

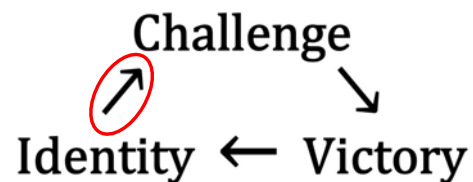


Melvin, A. T. (October, 2014). *The Art (and Science) of Persuasion*. Presented at The National Conference for Philanthropic Planning, Anaheim, CA. p. 3

## Identity preface examples

“I’ve found the mission so compelling and the programs so meaningful that a few years ago I made a planned gift because I wanted to make certain that my support continued into the future. Other people I’ve met have wanted to make sure that their support continues as well and have let us know that they’ve made legacy gifts too. Could I take a few minutes before we’re finished here and tell you, briefly, about our legacy giving program and how we plan to use these gifts?”

-Katherine Swank, Blackbaud



Swank, K. (October, 2009). *What women want: Understanding the needs and objectives of women’s philanthropic giving, including planned gifts*. National Conference on Philanthropic Planning, National Harbor, MD. p. 10

Identity preface research:  
**People like you**

- 4.9% left a gift to charity without being asked.
- 10.8% did so when asked “Would you like to leave any money to charity in your will?”
- 15.4% did so when the ask began with, “many of our customers like to leave money to charity in their will...”

~~Challenge~~  
 ↑                      ↓  
 Identity ← Victory

Challenge  
 ↑                      ↓  
 Identity ← Victory

Challenge  
 ↑                      ↓  
 Identity ← Victory

Cabinet Office (2013). *Applying Behavioral Insights to Charitable Giving*. London: Cabinet Office Behavioural Insights Team P. 22-23.

Identity preface research:  
**People like you**

---

People read the story of Sara who had made a planned gift.

The effect of this story on their interest in making the gift depended on their response to one question, “How much do you identify with Sara? She is [a lot / somewhat / a little bit / not really / not at all] like me.”

**Challenge**

↗                      ↘

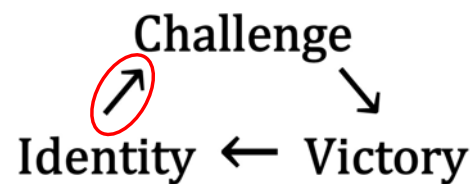
**Identity ← Victory**

James, R. N., III. (2019). Using donor images in marketing complex charitable financial planning instruments: An experimental test with charitable gift annuities. *Journal of Personal Finance*. 18(1), 65-74.

## Identity preface research: Your life story

In a test of 24 bequest gift descriptions among nearly 10,000 participants, the best was:

“Make a gift to charity in your will to support causes that have been important in your life.”



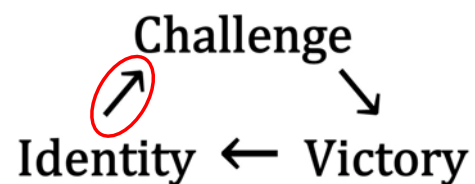
James, R. N. (2016). Phrasing the charitable bequest inquiry. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 27(2), 998-1011.

## Identity preface research: Your life story

“Many people like to leave a gift to charity in their will.”

worked better as,

“Many people like to leave a gift to charity in their will because they care about causes that are important in their lives.”

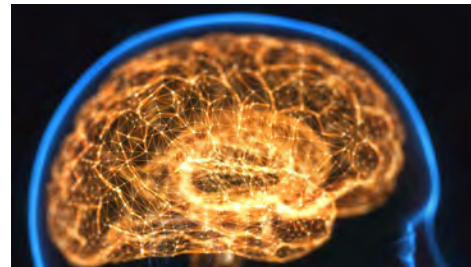


James, R. N. (2016). Phrasing the charitable bequest inquiry. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 27(2), 998-1011.

## Identity preface research: Your life story

The donor's life story arises in

- Qualitative interview research (“When discussing which charities they had chosen to remember, there was a clear link with the life narratives of many respondents.”)
- Neuroimaging research (charitable bequest decisions engage “visualized autobiography” brain regions)

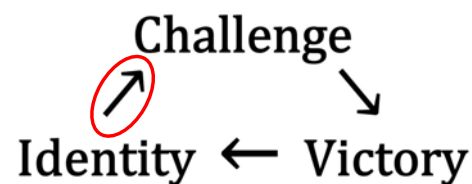


Routley, C. J. (2011). *Leaving a charitable legacy: Social influence, the self and symbolic immortality* (doctoral dissertation). University of the West of England, Bristol, UK. Page 220. James, R. N., III & O'Boyle, M. W. (2014). Charitable estate planning as visualized autobiography: An fMRI study of its neural correlates. *Nonprofit and Voluntary Sector Quarterly*, 43(2), 355-373.

## Identity preface research: Your people (family tribute)

One experiment dramatically increased charitable bequest intention by,

1. Ask if there was a “friend or family member who would have appreciated (or would appreciate) your support of [Cause] such as [Org]”
2. Ask about that person's connection to the cause
3. Ask about a bequest gift “honoring a deceased [or living] friend or family member”



James III, R. N. (2015). The family tribute in charitable bequest giving: An experimental test of the effect of reminders on giving intentions. *Nonprofit Management and Leadership*, 26(1), 73-89.



## Identity preface: Your people (family tribute)

“Some of the people with whom I meet are interested in hearing about ways to honor and memorialize their loved ones. Would you like to hear more about this option?”

-Alexandra Brovey (Stoney Brook U)  
& Patricia Roenigk (Penn State U)

**YES, I want to leave a personal legacy in the fight against cancer and other serious illnesses.**

I have already included City of Hope in my will, as a beneficiary of a retirement account or other plans.

I wish to remain anonymous.

My gift is in  honor of  memory of \_\_\_\_\_.


Relationship: \_\_\_\_\_

I have included NIF in my will or trust, as a beneficiary of a retirement account or other planned gift.

My gift is in  honor of  memory of: \_\_\_\_\_

Relationship: \_\_\_\_\_

I wish to remain anonymous.

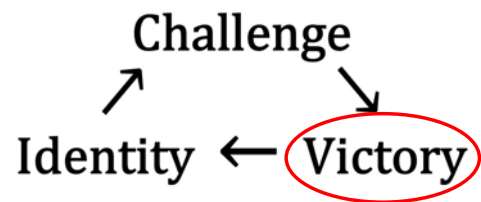


Brovey, A. P. & Roenigk, P. L. (October 25, 2008). How old are you and did you know you could... Initiating planned gift discussions and getting answers to key questions. National Conference on Planned Giving, Denver, CO. p. 14.

Reply card samples courtesy of Phyllis Freedman, President of SmartGiving

## Victory preface research: permanence

“Victory” describes a visualizable, personally meaningful outcome. Death reminds donors they’re going to disappear. Legacy giving helps if it provides a way in which the donor’s identity – their people, values, or story – can live on.



Drs. Claire Routley and Adrian Sargeant explain, “The choice of charity to receive a bequest gift could, therefore, be a way of extending one’s autobiography, and thus a sense of self, forward in time beyond one’s physical death.”

## Victory preface research: permanence



Routley, C., & Sargeant, A. (2015). Leaving a bequest: Living on through charitable gifts. *Nonprofit and Voluntary Sector Quarterly*, 44(5), 869-885, 876



## Victory preface research: permanence

In one experiment, a poverty relief charity was described as either,

- “meeting the immediate needs of people,” or
- “creating lasting improvements that would benefit people in the future”

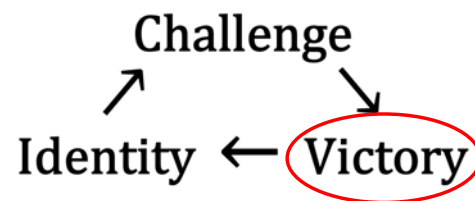
Normally, the first description generated more gifts but for people reminded of their mortality, the results reversed.

Wade-Benzoni, K. A., Tost, L. P., Hernandez, M., & Larrick, R. P. (2012). It's only a matter of time: Death, legacies, and intergenerational decisions. *Psychological Science*, 23(7), 704-709.

## Victory preface research: permanence

Those with a preference were 3X more likely to want a permanent fund for bequest gifts than for current gifts.

The most powerful motivation to make a second gift in memory of a loved one was the chance to make the fund permanent.

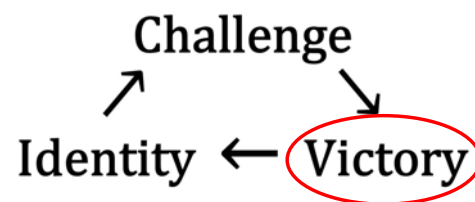


James, R. N. (2019). Encouraging repeated memorial donations to a scholarship fund: An experimental test of permanence goals and anniversary acknowledgements. *Philanthropy & Education*, 2(2), 1-28.

## Victory preface examples: permanence

The ultimate “victory” in legacy giving is symbolic immortality. The donor’s identity – his people, values, or story – lives on after death.

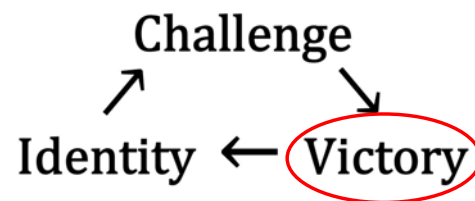
- Permanence language
- Permanence structure: scholarship, lectureship, professorship, endowment funding a favorite part of operations



## Victory preface examples: permanence

“Would you consider leaving a legacy of a \$100,000 bequest to ensure that the help you provide these families will continue in perpetuity?”

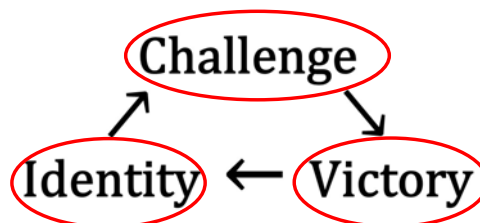
-Janet Levine & Laurie A. Selik



Levine, J. & Selik, L. A. (2016). Compelling conversations for fundraisers: Talk your way to success with donors and funders. Chimayo Press. p.74.

## Victory preface examples: permanence + identity

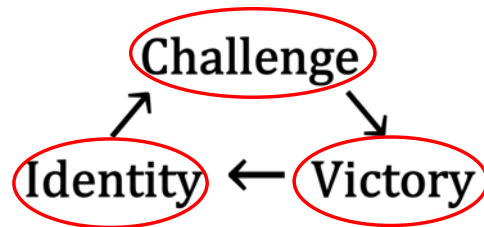
“You’ve been such a wonderful friend to [the charity] over the years. Many people like you want to include a gift in their will. My job is to help them plan that out, so their gift will make a lasting impact. Do you mind if I share some options with you?”





## Victory preface examples: permanence + identity

“Look, Bob, you’ve given to us for 8 years now. You’ve given over \$300,000. That’s fantastic! I’m here to build [this charity] for the long run and you’re building that with us. Have you thought about having [this charity] as part of your legacy plan?”



von Laer, W. (2019, October 23). Building an impactful development team. [Audio podcast]. Bragdon, T. (Host). 7-Figure Fundraising Podcast. Spotify. <https://open.spotify.com/show/6ftRSw1hCnB8NAGcO8d3QW> at 29:10

## Victory preface research: Define a victory



Large estate gifts come with instructions.

This is nothing new. In the 1800s, charitable bequests were restricted in,

- 14% of small cash gifts
- 58% of real estate or large cash gifts
- 70% of gifts of a share of the entire estate

See summary in James, R. N., III. (2020). American charitable bequest transfers across the centuries: Empirical findings and implications for policy and practice. *Estate Planning & Community Property Law Journal*, 12, 235-285, 241-242 citing to Knaplund, K. S. (2015). Becoming charitable: Predicting and encouraging charitable bequests in wills. *University of Pittsburgh Law Review*, 77, 1.

## Victory preface research: Define a victory



See James, R. N. III. (2020). American charitable bequest transfers across the centuries: Empirical findings and implications for policy and practice. *Estate Planning and Community Property Law Journal*, 12, 235-285, p. 280 citing to Jouffrain, D. (2019). *The federal estate tax: History, law, and economics*. Cambridge, MA: The MIT Press, p. 83.

Large gifts produce a specific, usually lasting, impact that motivates the gift SIZE.

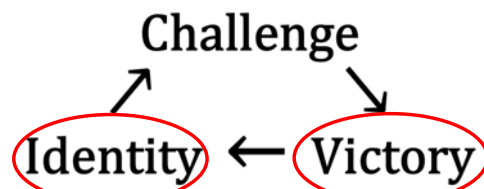
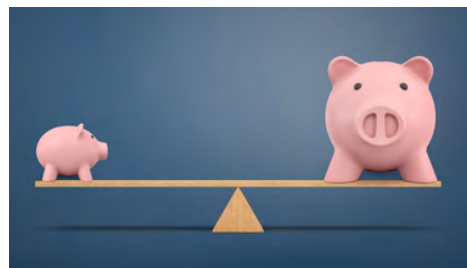
These extreme gifts dominate. Most charitable decedents (60%) leave less than 10% of their estates to charity. This majority – the “normal” donors – transfer only 3.8% of all charitable dollars.

## Identity vs. Victory: Define a victory

The identity preface works to get a bequest gift.

The donor includes the charity because of the donor’s people, values, and history.

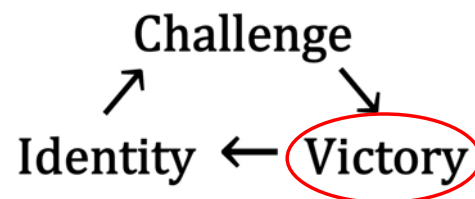
But it doesn’t give a reason for making a gift of a specific SIZE.



## Victory preface examples: Define a victory

“Tell me, ‘What you would like to accomplish with your gift?’”

“Have you ever thought about how you would like your gift to be used?”



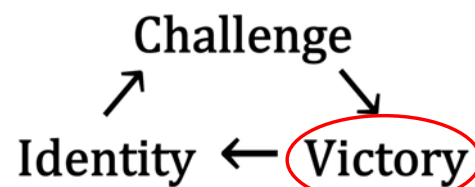
Lumpkin, S. & Comfort, J. (2018). *How to Have the MOST Productive Conversations: From Here to Eternity...*, Colorado Planned Giving Roundtable, 30th Annual Summer Symposium, August 23, 2018, Denver, CO.

## Define a victory by sharing a story

“The reason I ask is this. I was working with another donor; you remind me of him. You both have a real heart for this cause.” *[Identity]*

“He decided to create a permanent endowment for a scholarship / lectureship / professorship / our \_\_\_ operations. It will ... [describe the impact].” *[Victory]*

“This will come from a \$\_\_\_ gift in his will. Would that type of gift appeal to you?” *[Challenge]*



## Victory preface: External competition

The most powerful permanent expression of identity is the private family foundation

- Lives forever
- Follows the donor's values and rules forever
- Named for the donor or donor's family

For estates over \$5 million, 78% of charitable bequest dollars go to private family foundations



Raub, B. G. & Newcomb, J. (Summer 2011) Federal Estate Tax Returns Filed for 2007 Decedents, *Statistics of Income Bulletin*, 31, 182-213, 191.

“Deliver value to legacy donors? No, no, no. The donor's job is to deliver value to us! Besides, that just turns unrestricted money into restricted!”



## Victory preface: Internal barriers

Charities are losing to private family foundations.

Many aren't offering any victory, much less a permanent one.



Overcoming  
internal barriers:  
Point to the  
competition

“The donor wants to put these instructions with their money. They can use a private family foundation or community foundation. But I would rather they gave it directly to us to manage. What do you think?”



Overcoming internal barriers: “Risk management”

“I ask legacy donors what they want to accomplish with their gift. That way I can learn if they’re going to put any instructions in their wills. Sometimes those instructions are a problem. If we don’t learn about it until after they die, we might have to reject the gift. We just lose that money. But if we can talk about their plans in advance, then we can agree on some feasible option”



**Original Identity → Challenge → Victory → Enhanced Identity**

1. Avoidance
2. Symbolic Immortality



Challenge  
 ↗      ↘  
 Identity ← Victory

There isn't just  
 one magic phrase  
 or magic story

Instead, there are  
 unlimited  
 expressions of the  
 magic ideas



Still nervous?

Let me end with the  
 easiest, softest - but  
 still highly effective -  
 approach

# Three stories and shut up

## 4 S

- 1. Story
- 2. Story
- 3. Story
- 4. Shut up

Concept from  
Jeff Comfort,  
Oregon State University

So, what's new at Texas Tech?

- 1. ... new coach ...
- 2. ... new building ...
- 3. Oh, and Jon Smith did a neat thing. Did you know Jon? He graduated two years before you... No? Well, Jon spent his career helping other people get their finances in order and he recently signed a new will that one day will endow a permanent scholarship for our financial planning students.
- 4. [Silence]



# Three stories and shut up

## 4 S

- 1. Story
- 2. Story
- 3. Story
- 4. Shut up

Silence as the softest ask – donor decides where the conversation goes

So, what's new at Texas Tech?

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- 2. ... new building ...
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- 4. [Silence]

Using social "story" words not formal words

**AVOIDANCE:** Don't lead with death

Story: Character

Identification with the hero. "People like me do things like this"

life story connects with gift in a will

norming the gift

impact on our in-group

**SYMBOLIC IMMORTALITY:** lasting impact



# Q&A

Russell N. James III, J.D., Ph.D., CFP®  
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## Additional Questions

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## Webinar Resources

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Recording

Presentation handouts

[www.stelter.com/webinars](http://www.stelter.com/webinars)



**Last Will  
OR and BE  
Testament**

**Socratic Fundraising  
“LEGACY EDITION”**

**For free links to all my slides,  
videos, papers, books, please  
connect on LinkedIn!**

**How to ask for a gift in a will without fear or anxiety**

Professor Russell James  
Texas Tech University